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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,328	10/03/2000	Yasuo Takane	0905-0247P-SP	4817

7590 10/31/2005  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
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Falls Church, VA 22040-0747

EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/678,328

Applicant(s)

TAKANE, YASUO

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2-9, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/08/2005 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 10, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (US Patent # 6,515,698) in view of Iwasaki (US Patent # 5,987,265).

[Claim 1]

Sasaki et al. teaches an imaging device (figure 12, CCD 101) for imaging a subject, to output image data representing an image of the subject (col. 7 lines 26-35), an exposure control device (109) for controlling an amount of exposure in said imaging device on the basis of the photometry values outputted by said photometry device (external light sensor 107, col. 7 lines

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40-45, col. 8 lines 30-35, col. 10 lines 40-col. 11 line 3, figure 16); an image file create device (109) for creating an image file containing the image data (figure 14, image data 209) outputted from said imaging device (101) and data representing the photometry values (figure 14 discloses a file having information on white balance 207) outputted from said photometry device (107), the image file create device (109) creating the image file for imaging by said imaging device, and a recording control device (109) for recording the image file (figure 14 shows an image file along with header containing white balance information 207 and the image file 209) created by said image file create device on a recording medium (detachable semiconductor memory 111, col. 7 lines 35-45, col. 8 lines 30-42).

Sasaki fails to teach a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values. However Iwasaki teaches a camera (figure 2) having a photometry sensor 9 for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values (col. 5 lines 10-35, figures 2 and 3).

Therefore taking the combined teachings of Sasaki and Iwasaki, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values as taught in Iwasaki into the system of Sasaki in order to improve the performance of scene discrimination and proper exposure operation as taught in Iwasaki (col. 2 lines 40-45).

[Claim 13]

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Sasaki teaches that white balance control values read from the header part 207 and are multiplied by RGB values of the image to calculate luminance (exposure) (col. 10 lines 40-64) and therefore reads on wherein the output values of the photometry device (light sensor 107) are directly used to determine an amount of exposure.

[Claims 10 and 14]

These are method claims corresponding to apparatus claims 1 and 13 and are therefore analyzed and rejected based upon apparatus claims 10 and 13 respectively.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360.

The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

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October 20, 2005



DAVID L. OMETZ  
SUPERVISORY PATENT  
EXAMINER